

★ OCT 01 2012 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
JOSE RAMON TORO (97-A-4959)

Petitioner,

-V-

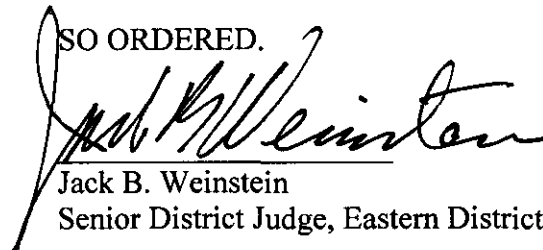
VICTOR HERBERT

Respondent.
----- X

JACK B. WEINSTEIN, Senior District Judge:

Petitioner's Rule 60(b)(6) motion is denied. It is untimely and frivolous. Were a certificate of appealability required, it would be denied. Appointed counsel for petitioner is relieved. Petitioner may avail himself of the court's Pro Se Services for the purpose of filing papers on appeal.

SO ORDERED.



Jack B. Weinstein
Senior District Judge, Eastern District of New York

Dated: September 27, 2012
Brooklyn, New York

2